REMARKS

Claim 1 calls for a method of detecting defective sensing element arrays including reading out a frame of sensing data from an array and determining the number of defective elements by analyzing said data during the frame readout. Claim 1 is not anticipated by Fossum, *inter alia*, because Fossum fails to teach the determination of the number of defective pixels by analyzing the data during the frame readout.

Fossum determines the number of groups of defective pixels. But the determination of the number of groups does not correspond to the number of defective pixels. A group may be a single pixel, a row, a column, or some subset thereof. See column 3, lines 1-10. Thus, it is mathematically indisputable that the determination of a number of groups tells you nothing about the number of defective pixels.

There simply is no determination of the total number of pixels, but, instead, Fossum opts to determine the number of groups. There is no indication that he then calculates the number of defective pixels by determining the number of defective pixels per group and adding it up. The suggestion to the contrary in the office action is without any support in the reference. It amounts to the argument that Fossum could have done what was claimed, but simply did not bother. The fact that Fossum could have done it has no bearing whatsoever on patentability.

Therefore, reconsideration of the Section 102 rejection of claim 1 is respectfully requested.

Claim 13 depends from claim 12, which depends from claim 1. Claim 13 calls for each element in the array to have a corresponding location in the memory and setting a defect exists bit at each memory location where a defective element has been identified. Thus, there must be one memory location in the memory for storing the defect status of each bit in the array. No such structure is anywhere described in the cited reference.

The office action cites column 3, lines 6-16. At line 6 it is explained that an entire row of pixels 202 could be identified as bad by indicating ROW X. But, storing the indication ROW X is not commensurate with storing a status indication for each bit in ROW X in a memory, where each bit has a corresponding memory location. Instead, Fossum uses a shorthand system wherein he simply designates that the entire ROW X is defective without so indicating in each memory location corresponding to the defective bit. At line 8 on, the same analysis is done for

"COLUMN Y." Again, it is clear that Fossum explicitly teaches away from claim 13. At line 12 it is explained that "a single pixel x, y can of course also be identified." In context, this plainly means that a single defective pixel can be identified. Fossum goes on to explain that "each of these pixel areas can be identified by a single indicia including an address." However, to meet the claimed invention, each pixel, whether defective or not, would have to be associated with a memory location. Then, an indication would need to be provided, associated with each memory location, whether the associated bit is defective or not. Again, it is plain that Fossum teaches away from claim 13.

In a similar analysis, all of the other claims in the case are now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

Date: August 5, 2004

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Ste. 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]